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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 STEVEN DARBY MCDONALD,

9 Plaintiff,

10 v.

11 KENNETH LAUREN, et al.,

12 Defendants.

CASE NO. 3:17-cv-05013-RBL-DWC

ORDER ON REVIEW OF SECOND
MOTION TO RECUSE

13 On June 26, 2018, Plaintiff Steven Darby McDonald filed a Motion to Transfer Case to
14 Oregon, interpreted in part as a motion for recusal of Magistrate Judge David W. Christel, Dkt.
15 #150. This is Plaintiff's second Motion seeking recusal. On August 2, 2018, Judge Christel
16 issued an Order declining to recuse himself and, in accordance with this Court's Local Rules,
17 referred that decision to the Chief Judge for review. Dkt. #163; LCR 3(e).

18 A judge of the United States shall disqualify himself in any proceeding in which his
19 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
20 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
21 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
22 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
23 district court makes and files a timely and sufficient affidavit that the judge before whom the
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1 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
2 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
3 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*
4 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
5 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
6 extrajudicial source.”).

7 The Court has reviewed Mr. McDonald’s Motion. He argues Judge Christel is biased
8 against him because he stayed several of his motions pending appeal. Judge Christel is correct
9 that dissatisfaction with prior judicial rulings is not sufficient cause for recusal. *See Studley*,
10 *supra*. Mr. McDonald fails to otherwise set forth a basis to reasonably question Judge Christel’s
11 impartiality.

12 Accordingly, the Court hereby finds and ORDERS that Judge Christel’s refusal to recuse
13 himself from this matter is AFFIRMED. The Clerk shall provide a copy of this Order to Mr.
14 McDonald.

15 DATED this 10th day of August, 2018.

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18 RICARDO S. MARTINEZ
19 CHIEF UNITED STATES DISTRICT JUDGE
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